

Remarks

The non-final Office Action mailed January 24, 2006 rejected pending claims 1, 2, 4, 5, 8-13, 17, and 25-42.

Minor amendments have been provided above to independent claims 1, 25 and 32 to substitute the term "tracks adjacent" for "locations surrounding." Support for these amendments includes the original language of these claims, FIGS. 3-4 and 6-7, and steps 511, 517 and 537 in the flow of FIG. 5. Dependent claim 8 has been amended to better conform to amended claim 1. Dependent claim 12 has been amended to substitute "comprising" for "containing" and to recite the "list" as being stored in a "memory." These amendments thus clarify without narrowing the scope of the claimed subject matter and will have no preclusive effects in any subsequent proceedings.

New claim 43 has also been added to depend from claim 32, and generally features the recited defective region as "contiguously extend[ing] across a plurality of adjacent tracks." Support includes the exemplary defective regions shown in FIGS. 3, 6 and 7.

These amendments are proper, do not introduce new matter, and serve to place the application in proper condition for reconsideration and allowance.

Rejection of Claims Under 35 U.S.C. §112

Claims 1-2, 4, 8-13, 17, 25-36 and 38-42 were rejected for failing to meet the written description requirement of 35 U.S.C. 112, first paragraph. This rejection is respectfully traversed.

Claim 1 previously recited "combining a plurality of data readback signals received from different locations surrounding the defective region." One with skill in the art would have readily viewed this subject matter as being disclosed in the

application as originally filed; such different locations surrounding a defective region are clearly set forth, for example, by the media surface representations of FIGS. 3-4 and 6-7.

Nevertheless, the Applicant has elected to amend the claims so that claim 1 now generally features “combining a plurality of data readback signals received from *different tracks adjacent the defective region.*” The remaining independent claims have been similarly amended. This equivalent claim language is clearly supported by the application as originally filed, and thus obviates the written description rejection.

Claims 1-2, 4, 8-13, 17, 25-36 and 38-42 were further rejected under 35 U.S.C. §112, second paragraph for indefiniteness. While this rejection is also respectfully traversed, it is believed that the above amendments obviate this rejection as well.

**Rejection of Claims Under 35 U.S.C. §103(a)**

The Office Action rejected all pending claims 1, 2, 4, 8-13, 17, 25-36 and 38-42 as being obvious over U.S. Patent No. 6,384,995 issued to Smith (“Smith ‘995”) in view of U.S. Patent No. 5,527,110 issued to Abraham et al. (“Abraham ‘110”). This rejection is respectfully traversed.

As discussed in the Applicant’s previous Response filed November 11, 2005, Smith ‘995 at least fails to teach or suggest “combining a plurality of data readback signals received from *different tracks adjacent the defective region*” as generally featured by independent claims 1, 25 and 32. The Examiner’s attention is directed to the flow of FIG. 8 of Smith ‘995, which clearly carries out the classification of a media defect based on read signals from a single track (see step 807). Only after the defect is classified does the routine move to a next track (see step 805).

Abraham '110 fails to make up for this deficiency of Smith '995 and instead merely teaches to evaluate thermal asperity defects on a per-track basis. See e.g., FIG. 4A and 4B.

In order to substantiate a rejection under §103(a), all of the limitations of the claim must be taught or suggested in the cited references. Neither Smith '995 or Abraham '110 teach or suggest "imaging a characteristic size of a defective region of a data storage medium by combining a plurality of data readback signals received from different tracks adjacent the defective region" as claimed. Therefore, the rejection of independent claims 1, 25 and 32 is improper. Reconsideration and withdrawal of the rejection of these claims, and for the claims depending therefrom, are respectfully requested on this basis.

New claim 43 further generally characterizes the defective region as contiguously extending across a plurality of adjacent tracks. This is further not taught or suggested by the art of record. Allowance of claim 43 is requested on this basis as well.

### Conclusion

This is intended to be a complete response to the Office Action mailed January 24, 2006. The Applicant respectfully requests that the Examiner enter the above amendments, reconsider the application and allow all of the pending claims.

The Examiner is invited to contact the below signed Attorney should any questions arise concerning this response.

Respectfully submitted,

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